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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204721
Party	Defendant Olde Granddad Industries, Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**IN THE MATTER OF TRADEMARK APPLICATION
SERIAL NO. 76/707026 PUBLISHED IN THE
OFFICIAL GAZETTE ON JANUARY 3, 2012
MARK: LV**

Louis Vuitton Malletier,

Opposer,

vs.

Olde Granddad Industries, Inc.,

Applicant

Opposition No. 91204721

Filed Electronically: ESTTA

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER

Olde Granddad Industries, Inc. of 160 Passaic Avenue, Bldg. 31 B Kearny,
NJ 07032 (“Applicant”), by its undersigned attorney, hereby answers the Notice of
Opposition filed by Louis Vuitton Malletier (“Opposer”), as follows:

1. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 1 of the Notice of Opposition, and therefore DENIES the same.
2. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 2 of the Notice of Opposition, and therefore DENIES the same.
3. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 3 of the Notice of Opposition, and therefore DENIES the same.
4. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 4 of the Notice of Opposition, and therefore DENIES the same.
5. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 5 of the Notice of Opposition, and therefore DENIES the same.
6. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 6 of the Notice of Opposition, and therefore DENIES the same.
7. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 7 of the Notice of Opposition, and therefore DENIES the same.

8. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 8 of the Notice of Opposition, and therefore DENIES the same.
9. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 9 of the Notice of Opposition, and therefore DENIES the same.
10. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 10 of the Notice of Opposition, and therefore DENIES the same.
11. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 11 of the Notice of Opposition, and therefore DENIES the same.
12. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 12 of the Notice of Opposition, and therefore DENIES the same.
13. Applicant ADMITS IN PART, DENIES IN PART the allegations of Paragraph 13 of the Notice of Opposition. Applicant ADMITS that Opposer purportedly owns the federal registrations and prior pending applications alleged in Paragraph 13 of the Notice of Opposition. Applicant lacks sufficient information to form a conclusion about all other allegations in Paragraph 13 of the Notice of Opposition, and therefore DENIES same.

14. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 14 of the Notice of Opposition, and therefore DENIES the same.
15. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 15 of the Notice of Opposition, and therefore DENIES the same.
16. Applicant DENIES the allegations in Paragraph 16 of the Notice of Opposition.
17. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 1715 of the Notice of Opposition, and therefore DENIES the same.
18. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 18 of the Notice of Opposition, and therefore DENIES the same.
19. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 19 of the Notice of Opposition, and therefore DENIES the same.
20. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 20 of the Notice of Opposition, and therefore DENIES the same.

21. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 21 of the Notice of Opposition, and therefore DENIES the same.
22. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 22 of the Notice of Opposition, and therefore DENIES the same.
23. Applicant ADMITS IN PART, DENIES IN PART the allegations of Paragraph 23 of the Notice of Opposition. Applicant ADMITS that Opposer purportedly owns the federal registrations and prior pending applications for stylized plus design forms of LV. Applicant lacks sufficient information to form a conclusion about all other allegations in Paragraph 23 of the Notice of Opposition, and therefore DENIES same.
24. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 24 of the Notice of Opposition, and therefore DENIES the same.
25. Applicant DENIES the allegations in Paragraph 25 of the Notice of Opposition.
26. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 26 of the Notice of Opposition, and therefore DENIES the same.

27. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 27 of the Notice of Opposition, and therefore DENIES the same.
28. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 28 of the Notice of Opposition, and therefore DENIES the same.
29. Applicant ADMITS the allegations in Paragraph 29 of the Notice of Opposition.
30. Applicant ADMITS the allegations in Paragraph 30 of the Notice of Opposition.
31. Applicant ADMITS the allegations in Paragraph 31 of the Notice of Opposition.
32. Applicant ADMITS the allegations in Paragraph 32 of the Notice of Opposition.
33. Applicant ADMITS the allegations in Paragraph 33 of the Notice of Opposition.
34. Applicant ADMITS the allegations in Paragraph 34 of the Notice of Opposition.
35. Applicant ADMITS the allegations in Paragraph 35 of the Notice of Opposition.
36. Applicant ADMITS the allegations in Paragraph 36 of the Notice of Opposition.

37. Applicant ADMITS the allegations in Paragraph 37 of the Notice of Opposition.
38. Applicant ADMITS IN PART, DENIES IN PART the allegations of Paragraph 38 of the Notice of Opposition. Applicant ADMITS that Opposer filed an extension of time to oppose the LV Application on January 26, 2012. Applicant DENIES that the extension of time to oppose was up to and including May 12, 2012, but rather such extension of time to oppose was granted up to and including May 2, 2012. Applicant further DENIES all other allegations in Paragraph 38 of the Notice of Opposition.
39. Applicant ADMITS the allegations in Paragraph 39 of the Notice of Opposition.
40. Applicant ADMITS the allegations in Paragraph 40 of the Notice of Opposition.
41. Applicant ADMITS the allegations in Paragraph 41 of the Notice of Opposition.
42. Applicant ADMITS the allegations in Paragraph 42 of the Notice of Opposition.
43. Applicant ADMITS IN PART, DENIES IN PART the allegations of Paragraph 43 of the Notice of Opposition. Applicant ADMITS that Applicant has applied for federal registrations for marks set forth in Paragraph 43 of the Notice of Opposition. Applicant DENIES all other allegations in Paragraph 43 of the Notice of Opposition.

44. Applicant ADMITS the allegations in Paragraph 44 of the Notice of Opposition.

Likelihood of Confusion, 15 U.S.C. § 1052(d)

45. Applicant repeats and reaffirms the answers contained in each and every paragraph set forth above.
46. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 46 of the Notice of Opposition, and therefore DENIES the same.
47. Applicant DENIES the allegations in Paragraph 47 of the Notice of Opposition.
48. Applicant DENIES the allegations in Paragraph 48 of the Notice of Opposition.
49. Applicant DENIES the allegations in Paragraph 49 of the Notice of Opposition.
50. Applicant DENIES the allegations in Paragraph 50 of the Notice of Opposition.

False Suggestion of Connection, 15 U.S.C. § 1052(a)

51. Applicant repeats and reaffirms the answers contained in each and every paragraph set forth above.

52. Applicant DENIES the allegations in Paragraph 52 of the Notice of Opposition.

53. Applicant ADMITS the allegations in Paragraph 53 of the Notice of Opposition.

54. Applicant DENIES the allegations in Paragraph 54 of the Notice of Opposition.

55. Applicant DENIES the allegations in Paragraph 55 of the Notice of Opposition.

Dilution, 15 U.S.C. § 1125(c)(1)

56. Applicant repeats and reaffirms the answers contained in each and every paragraph set forth above.

57. Applicant DENIES the allegations in Paragraph 57 of the Notice of Opposition.

58. Applicant DENIES the allegations in Paragraph 58 of the Notice of Opposition.

Lack of Bona Fide Intent to Use, 15 U.S.C. § 1051(b)

59. Applicant repeats and reaffirms the answers contained in each and every paragraph set forth above.

60. Applicant DENIES the allegations in Paragraph 60 of the Notice of Opposition.

61. Applicant DENIES the allegations in Paragraph 61 of the Notice of Opposition.

62. Applicant DENIES the allegations in Paragraph 62 of the Notice of Opposition.

Lack of Ownership/Entitlement to Use

63. Applicant repeats and reaffirms the answers contained in each and every paragraph set forth above.

64. Applicant ADMITS the allegations in Paragraph 64 of the Notice of Opposition.

65. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 65 of the Notice of Opposition, and therefore DENIES the same.

66. Applicant DENIES the allegations in Paragraph 66 of the Notice of Opposition.

67. Applicant DENIES the allegations in Paragraph 67 of the Notice of Opposition.

68. Applicant ADMITS IN PART, DENIES IN PART the allegations of Paragraph 68 of the Notice of Opposition. Applicant ADMITS that Opposer has never given Applicant permission to use or register any of its names and marks. Applicant DENIES all other allegations of Paragraph 68 of the Notice of Opposition.

69. Applicant DENIES the allegations in Paragraph 69 of the Notice of Opposition.

Fraud in Signing, Filing, and Prosecuting the LV Application Before PTO

70. Applicant repeats and reaffirms the answers contained in each and every paragraph set forth above.

71. Applicant DENIES the allegations in Paragraph 71 of the Notice of Opposition.

72. Applicant DENIES the allegations in Paragraph 72 of the Notice of Opposition.





73. Applicant DENIES the allegations in Paragraph 73 of the Notice of Opposition.

74. Applicant DENIES the allegations in Paragraph 74 of the Notice of Opposition.

75. Applicant lacks sufficient information to form a conclusion about the allegations in Paragraph 75 of the Notice of Opposition, and therefore DENIES the same.

76. Applicant DENIES the allegations in Paragraph 76 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. Opposer's alleged marks pled in the Notice of Opposition, including Opposer's stylized , , ,  marks are not confusingly similar in appearance, sound or connotation to Applicant's standard character **LV** mark, Serial No. 76/707026, and therefore there is no likelihood of confusion as to the source of goods.
2. Opposer's pleaded stylized marks of the Notice of Opposition are registered for goods / services that are not related to Applicant's stated goods. Opposer's associated goods are not sold through the same or similar channels of commerce, or to the same or similar class of purchasers, as the goods, specifically "[F]ragrance and deodorizing products for land vehicles, aircraft, marine craft, personal, commercial, industrial and home use, namely, air fresheners" in International Class 005, associated with Applicant's standard character LV air freshener mark, and therefore there is no likelihood of confusion in the marketplace as to the source of goods.
3. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar. Any trademark rights that Opposer may have are narrowly circumscribed to the goods indicated and any other use would not lead to a likelihood of confusion.

Answer

Opposition No.: 91204721

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed with prejudice, and that the opposed application be approved for issuance of a registration or Notice of Allowance, as applicable.

Respectfully submitted,
ERNEST D. BUFF & ASSOCIATES, LLC



DATED: May 23, 2012

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Answer

Opposition No.: 91204721

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this document is being served on Opposer on the undersigned date, by first class mail and transmitting the same via email transmission addressed to Opposer's attorney of record at the mail and email addresses set forth below:

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By: _____

Ernest D. Buff

Date of Signature: May 23, 2012

CERTIFICATE OF SERVICE / FILING

The undersigned hereby certifies that this correspondence is being transmitted by electronic mail via ESTTA to the United States Patent Trademark Office on the 23rd day of May 2012.



By: _____

Ernest D. Buff

Date of Signature: May 23, 2012